



## **Texas Department of Insurance**

### **Division of Workers' Compensation**

Medical Fee Dispute Resolution, MS-48

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## **MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION**

### **GENERAL INFORMATION**

**Requestor Name**

Doctor's Hospital of Laredo

**Respondent Name**

Atlantic Specialty Ins Co

**MFDR Tracking Number**

M4-14-3193-01

**Carrier's Austin Representative**

Box Number 29

**MFDR Date Received**

June 19, 2014

### **REQUESTOR'S POSITION SUMMARY**

**Requestor's Position Summary:** "HRA has been hired by Doctor's Hospital of Laredo to audit their Workers Compensation claims. We have found in this audit they have not paid what we determine is the correct allowable per the APC allowable per the new fee schedule that started 3/01/2008... The carrier denied this because of the physician's license number missing and we have submitted this appeal but they keep duplicating it out even though it is marked as a Reconsideration!"

**Amount in Dispute:** \$799.92

### **RESPONDENT'S POSITION SUMMARY**

**Respondent's Position Summary:** Respondent notified of Medical Fee Dispute, however no written position statement submitted.

### **SUMMARY OF FINDINGS**

Date(s) of Service	Disputed Services	Amount In Dispute	Amount Due
July 2, 2013	Outpatient Hospital Services	\$799.92	\$730.72

### **FINDINGS AND DECISION**

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

**Background**

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.403 sets out the fee guidelines for outpatient acute care hospital services.
3. 28 Texas Administrative Code §134.203 sets out the fee guidelines for professional medical services.
4. 28 Texas Administrative Code §133.20 sets out requirements related to billing forms and formats.
5. The services in dispute were reduced/denied by the respondent with the following reason codes:
  - 125 – Submission/billing errors
  - 29 – The time limit for filing has expired

**Issues**

1. What is the applicable rule for determining reimbursement for the disputed services?

2. What is the recommended payment amount for the services in dispute?
3. Is the requestor entitled to reimbursement?

## **Findings**

1. The carrier denied the disputed services as 125 – “Submission billing errors” and 29 – “The time limit for filing has expired.” 28 Texas Administrative Code §133.20 (f) states in pertinent part, “All information submitted on required paper billing forms must be legible and completed in accordance with this section. The parenthetical information following each term in this section refers to the applicable paper medical billing form and the field number corresponding to the medical billing form.” Review of the submitted documentation finds a complete correction of the provider’s medical bill was submitted September 10, 2013. This corrected re-submission complies with 28 Texas Administrative Code §133.20 (b), “Except as provided in Labor Code §408.0272(b), (c) or (d), a health care provider shall not submit a medical bill later than the 95th day after the date the services are provided”. The disputed date of service is July 2, 2013. The 95<sup>th</sup> day deadline would be October 7, 2013 for a claim to be considered timely. The carrier’s denial is not supported.
2. This dispute relates to facility services performed in an outpatient hospital setting with reimbursement subject to the provisions of 28 Texas Administrative Code §134.403, which requires that the reimbursement calculation used for establishing the maximum allowable reimbursement (MAR) shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Outpatient Prospective Payment System (OPPS) reimbursement formula and factors as published annually in the Federal Register with the application of minimal modifications as set forth in the rule. Per §134.403(f)(1), the sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by 200 percent, unless a facility or surgical implant provider requests separate reimbursement of implantables. Review of the submitted documentation finds that separate reimbursement for implantables is not applicable.
3. Under the Medicare Outpatient Prospective Payment System (OPPS), each billed service is assigned an Ambulatory Payment Classification (APC) based on the procedure code used, the supporting documentation and the other services that appear on the bill. A payment rate is established for each APC. Depending on the services provided, hospitals may be paid for more than one APC per encounter. Payment for ancillary and supportive items and services, including services that are billed without procedure codes, is packaged into payment for the primary service. A full list of APCs is published quarterly in the OPPS final rules which are publicly available through the Centers for Medicare and Medicaid Services (CMS) website. Reimbursement for the disputed services is calculated as follows:
  - Procedure code 71100 has a status indicator of X, which denotes ancillary services paid under OPPS with separate APC payment. These services are classified under APC 0260, which, per OPPS Addendum A, has a payment rate of \$45.95. This amount multiplied by 60% yields an unadjusted labor-related amount of \$27.57. This amount multiplied by the annual wage index for this facility of 0.8072 yields an adjusted labor-related amount of \$22.25. The non-labor related portion is 40% of the APC rate or \$18.38. The sum of the labor and non-labor related amounts is \$40.63. The cost of these services does not exceed the annual fixed-dollar threshold of \$2,025. The outlier payment amount is \$0. The total Medicare facility specific reimbursement amount for this line is \$40.63. This amount multiplied by 200% yields a MAR of \$81.26.
  - Procedure code 72170 has a status indicator of X, which denotes ancillary services paid under OPPS with separate APC payment. These services are classified under APC 0260, which, per OPPS Addendum A, has a payment rate of \$45.95. This amount multiplied by 60% yields an unadjusted labor-related amount of \$27.57. This amount multiplied by the annual wage index for this facility of 0.8072 yields an adjusted labor-related amount of \$22.25. The non-labor related portion is 40% of the APC rate or \$18.38. The sum of the labor and non-labor related amounts is \$40.63. The cost of these services does not exceed the annual fixed-dollar threshold of \$2,025. The outlier payment amount is \$0. The total Medicare facility specific reimbursement amount for this line is \$40.63. This amount multiplied by 200% yields a MAR of \$81.26.
  - Procedure code 73550 has a status indicator of X, which denotes ancillary services paid under OPPS with separate APC payment. These services are classified under APC 0260, which, per OPPS Addendum A, has a payment rate of \$45.95. This amount multiplied by 60% yields an unadjusted labor-related amount of \$27.57. This amount multiplied by the annual wage index for this facility of 0.8072 yields an adjusted labor-related amount of \$22.25. The non-labor related portion is 40% of the APC rate or \$18.38. The sum of the labor and non-labor related amounts is \$40.63. The cost of these services does not exceed the annual fixed-dollar threshold of \$2,025. The outlier payment amount is \$0. The total Medicare facility specific reimbursement amount for this line is \$40.63. This amount multiplied by 200% yields a MAR of \$81.26.
  - Procedure code 73590 has a status indicator of X, which denotes ancillary services paid under OPPS with separate APC payment. These services are classified under APC 0260, which, per OPPS Addendum A, has a payment rate of \$45.95. This amount multiplied by 60% yields an unadjusted labor-related amount of \$27.57. This amount multiplied by the annual wage index for this facility of 0.8072 yields an adjusted labor-

related amount of \$22.25. The non-labor related portion is 40% of the APC rate or \$18.38. The sum of the labor and non-labor related amounts is \$40.63. The cost of these services does not exceed the annual fixed-dollar threshold of \$2,025. The outlier payment amount is \$0. The total Medicare facility specific reimbursement amount for this line is \$40.63. This amount multiplied by 200% yields a MAR of \$81.26.

- Per Medicare policy, procedure code 96372 may not be reported with procedure code 99284 billed on the same claim. Payment for this service is included in the reimbursement for the other services. Separate payment is not recommended.
  - Procedure code 99284 has a status indicator of Q3, which denotes conditionally packaged codes that may be paid through a composite APC if OPPS criteria are met; however, review of the submitted information finds that the criteria for composite payment have not been met. Therefore, this line may be paid separately. These services are classified under APC 0615, which, per OPPS Addendum A, has a payment rate of \$229.37. This amount multiplied by 60% yields an unadjusted labor-related amount of \$137.62. This amount multiplied by the annual wage index for this facility of 0.8072 yields an adjusted labor-related amount of \$111.09. The non-labor related portion is 40% of the APC rate or \$91.75. The sum of the labor and non-labor related amounts is \$202.84. The cost of these services does not exceed the annual fixed-dollar threshold of \$2,025. The outlier payment amount is \$0. The total Medicare facility specific reimbursement amount for this line is \$202.84. This amount multiplied by 200% yields a MAR of \$405.68.
  - Procedure code J1885 has a status indicator of N, which denotes packaged items and services with no separate APC payment; payment is packaged into the reimbursement for other services, including outliers.
4. The total allowable reimbursement for the services in dispute is \$730.72. This amount less the amount previously paid by the insurance carrier of \$0.00 leaves an amount due to the requestor of \$730.72. This amount is recommended.

### **Conclusion**

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is \$730.72.

### ***ORDER***

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of \$730.72, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

### **Authorized Signature**

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Signature	Medical Fee Dispute Resolution Officer	Date

October , 2014

### ***YOUR RIGHT TO APPEAL***

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, 37 *Texas Register* 3833, **applicable to disputes filed on or after June 1, 2012.**

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

**Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.**